



# Department of Defense DIRECTIVE

NUMBER 3202.1

October 1, 1969

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Administrative Reissuance Incorporating Change 1, January 4, 1972

DDR&E

SUBJECT: Use of Department of Defense Research Facilities by Academic  
Investigators

References: (a) Federal Council for Science and Technology's "Policy on Expanded  
Use of Federal Research Facilities by University Investigators,"  
February 21, 1969 (see enclosure 1)  
(b) DoD Instruction 7230.7, "User Charges," *August 17, 1970*  
(c) Armed Services Procurement Regulation 12-804(a), "Equal  
Opportunity Clause," January 1969

## 1. PURPOSE

This Directive implements the provisions of reference (a) within the Department of Defense, and assigns responsibilities and outlines policies and procedures governing the use of DoD Research facilities (including DoD-supported Research Centers) by academic investigators.

## 2. APPLICABILITY AND SCOPE

The provisions of this Directive apply to the Military Departments and Defense Agencies (hereinafter referred to as the "DoD Components"), and to DoD-supported Research Centers, and cover all DoD specialized research facilities.

## 3. DEFINITIONS

For purposes of this Directive, the following term definitions will apply:

3.1. Research. All effort directed toward increased knowledge of natural phenomena and environment, and the solution of problems in the physical, behavioral, engineering, environmental, social, and bio-medical sciences.

3.2. Academic Investigators. Faculty, staff members, and students of institutions of higher education who are engaged in research.

3.3. DoD-Supported Research Centers. Federally Funded Research and Development Centers that were established by the Federal Government or have a long-term operating commitment from it, and are principally financed by DoD to perform or manage research and development programs.

3.4. Specialized Research Facilities. Unique, unusual, and generally expensive-to-duplicate facilities of the DoD and DoD-supported Research Centers that can be used for research without serious detriment to laboratory missions. (This does not include general laboratory space and standard equipment.)

3.5. Significant Costs. For purposes of providing a uniform guideline for cost reimbursement, significant costs are those costs in excess of \$200. (See 4.2.1.3., and 4.4.2.1., below.)

#### 4. POLICY AND RESPONSIBILITY

The Secretaries of the Military Departments and Directors of Defense Agencies, acting under the overall program guidance of the Director of Defense Research and Engineering, will ensure that the following policies and procedures are fully implemented throughout their respective organizations:

4.1. General. DoD specialized research facilities will be made available for research by academic investigators who:

4.1.1. Are working on experiments that have scientific merit, or that relate to DoD research objectives, or that contribute to the furtherance of national research and research training; and

4.1.2. Agree to make the results of their research available to the DoD and all other interested Government Agencies, under the following conditions:

4.1.2.1. The proposed research can be accomplished without serious detriment to the mission of the DoD Component involved.

4.1.2.2. Full advantage is taken of:

4.1.2.2.1. Slack and off-hour use of specialized equipment and facilities; and

4.1.2.2.2. Voluntary, off-hour professional staff collaboration.

4.1.2.3. Investigators supply their own technician support where feasible, with a minimum being provided by the host.

4.1.2.4. Use of the host's resources for shop work, such as precision machining and small scale plumbing, is avoided where possible.

#### 4.2. Agreements and Security Clearances

4.2.1. A use agreement and arrangements for any security requirements, including security clearances and area access clearances, shall be made prior to initiating use of DoD research facilities. Agreements shall be executed (see 4.5., below) that:

4.2.1.1. Indemnify the Federal Government from all liability and claims in case of personal injury to or the death of any individual caused by the users, failure of or damage to experiments or equipment, or for loss of or damage to any property of the user or other persons.

4.2.1.2. Ensure reimbursement for damage to DoD-furnished equipment and facilities (see 4.3.1., below).

4.2.1.3. Ensure that the DoD will be reimbursed for each usage of facilities by the researcher's sponsoring academic institution and/or any other organization involved, for significant incremental operating costs not directly related to the mission of the DoD activity concerned (see 4.4.2.1., below).

4.2.1.4. Specify that DoD research equipment and facilities may be moved or discontinued, at the convenience of the DoD and with reasonable notice to academic investigators involved, when a DoD research project is affected by overall priorities or resource limitations or has been completed.

4.2.1.5. During the period covered by the use agreement, the user shall agree to follow the Equal Opportunity Requirements as specified in the Armed Services Procurement Regulation 12-804(a).

4.2.2. Reciprocal use by DoD Components of equipment and facilities at academic institutions shall be sought where appropriate.

#### 4.3. Equipment

4.3.1. An assessment of the risks to DoD-furnished equipment and facilities will be completed before they are made available for use by academic investigators (see 4.2.1.2., above).

4.3.2. Equipment purchased or funded by the DoD Component concerned will either be retained by that DoD Component, or distributed to other DoD activities or to DoD contractors, unless the cost of retention or relocation would exceed the value of the equipment.

4.4. Funding. It is anticipated that the scope of most academic research performed at DoD activities will be sufficiently limited to be covered by funds and resources controlled directly by the need of the DoD activity concerned. However, in the cases where a DoD activity is service/industrial funded, funding may have to be provided by the academic institution and/or a sponsoring organization. (For DoD-supported Research Centers, this would involve fee and any allowable overhead funds already set aside for DoD research.)

##### 4.4.1. By DoD Activities

4.4.1.1. Normal operating costs of the DoD facility being used by academic investigators will be funded by the DoD activity operating the facility, unless significant incremental costs not directly related to the DoD activity's mission will be incurred.

4.4.1.2. Additional costs generated from the academic research may be borne by the DoD Component concerned. The significance of such costs and the anticipated impact on the mission will be determined, primarily by the:

4.4.1.2.1. Local DoD activity director, for research activities of the DoD; and

4.4.1.2.2. Primary DoD contract monitor, for DoD-sponsored Research Centers.

4.4.1.3. If programs for the use of specialized research facilities by

academic investigators for work directly related to the mission of a DoD Component exceed the significant cost levels, the DoD Component concerned will use its established program/budget procedures to obtain any additional operating resources that are required.

#### 4.4.2. By Sponsoring Academic Institutions

4.4.2.1. Significant incremental operating costs not directly related to the mission of the DoD Component concerned will be reimbursed by the researcher's sponsoring academic institution and/or any other organization involved (see DoD Instruction 7230.7 (reference (b)) and 4.2.1.3., above).

4.4.2.2. Significant costs for specialized equipment either purchased or fabricated by a DoD activity, and the cost of research performed at the researcher's home institution will be borne by the sponsoring academic institution and/or any other organization involved.

4.5. Authority. The Secretaries of the Military Departments and the Directors of Defense Agencies will delegate authority to local laboratory directors under their jurisdiction to:

4.5.1. Negotiate use agreements (see 4.2., above) directly with academic institutions and investigators;

4.5.2. Determine which research projects are to be accomplished by their activity; and

4.5.3. Terminate agreements.

4.6. Appraisal. DoD Components will use existing scientific and research advisory groups to monitor the overall program and assess its progress and contributions beneficial to the DoD and to the nation.

5. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two (2) copies of each implementing document shall be forwarded to the DDR&E within ten (10) working days after its publication, but no later than one hundred and twenty (120) days from the date of this Directive.

A handwritten signature in black ink, appearing to read "David Patrick". The signature is fluid and cursive, with a large loop at the end.

Deputy Secretary of Defense

Enclosures - 1

E1. Federal Council for Science and Technology Policy

E1. ENCLOSURE 1

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY POLICY

Executive Office Building  
Washington, D. C. 20506

February 21, 1969

Policy on Expanded Use of Federal Research  
Facilities by University Investigators

Unique, unusual, and expensive-to-duplicate facilities at Federal laboratories and federally-supported research centers should be made available to the national scientific community to the maximum extent practical without serious detriment to laboratory missions, especially to qualified academic scientists and engineers. Criteria for such use should be the scientific merit of the proposed experiment, its relation to the agency research mission, and its contribution to national research and research training.

When such facilities are used by academic scientists and engineers, the costs incurred by the laboratory or center for the operation of its unique or unusual research facilities should be funded by the agency responsible for the operation of that facility, except for any significant incremental costs incurred in support of research not directly related to the agency's mission. The research costs incurred at the experimenter's home institution and significant costs for specialized equipment fabricated at the center primarily for use by the particular experimenter should normally be borne by the granting agency, the home institution, and/or other sponsoring organization. However, when the research is sufficiently related or useful to the host agency's responsibility, these costs may be borne by the agency responsible for operation of the center.

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Implementing Instructions

1. Departments and agencies should delegate authority for negotiations and decisions as to the use of Federal facilities by outside groups to local laboratory directors to the maximum extent possible, with such actions remaining as flexible and informal as responsible practice would indicate. Directors should be encouraged to make appropriate use of advisory groups in formulating their decisions.
2. When programs for non-government use of Federal facilities are expanded, department and agency officials should be prepared to assist laboratory directors obtain correspondingly increased staff and budget allocations.
3. Federal laboratory officials should seek agreements, executed by non-government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to experiments or equipment.